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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,433	07/22/2003	Doug Bender	2870-002	6426
60533	7590	08/22/2007		
TOLER SCHAFFER, LLP 8500 BLUFFSTONE COVE SUITE A201 AUSTIN, TX 78759			EXAMINER DUONG, DUC T	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/624,433	Applicant(s) BENDER ET AL.	
	Examiner Duc T. Duong	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/23/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-7, 12-18, 27-31, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuster et al (US Patent 6,594,454 B1).

Regarding to claims 1, 5, 6, 12, 16, 17, 27, and 34, Schuster discloses a system 10 for routing a telephone call over a voice and data network 20 to a destination device 22 (fig. 1), the system comprising a calling device 22 (fig. 1 col. 4 lines 25-47); a destination device 22 (fig. 2 col. 4 line 25-47); a telecommunications gateway 150 linked to a public switched telephone network 129 and linked to the voice and data network 140-141(fig. 2 col. 7 lines 44-45), wherein the telecommunications gateway (TCG) is adapted to receive a call from the calling device via the public switched telephone

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network (col. 10 lines 8-10); convert the call into a format compatible with the voice and data network (col. 7 lines 45-48); transfer the converted call to the voice and data network (col. 7 lines 48-55); and direct the converted call to the destination device via the voice and data network (col. 7 lines 48-55)

Regarding to claims 2, 13, and 28, Schuster discloses the calling device is a plain old telephone (fig. 1 col. 4 lines 33-34).

Regarding to claims 3, 4, 14, 15, 29, and 30, Schuster discloses the calling device is a mobile device (fig. 1 col. 4 lines 30-31).

Regarding to claims 7, 18, and 31, Schuster discloses the voice and data network is the Internet (fig. 1 col. 4 lines 37-40).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-11, 23-26, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster in view of Smyk (US Patent 6,597,686 B1).

Regarding to claims 8-11, 23-26, 32, and 33, Schuster discloses all the limitations with respect to claims 1, 12, and 27, except for making a determination whether the call is authorized via verification of the caller id, prior to converting the

telephone call into format compatible with the voice and data network; and placing the call by entering a calling code for the destination device.

However, Smyk discloses an apparatus and method for Internet telephony routing, wherein authorization of the calling's party to access a telephone service network is verify via calling party's identification and once the verification is completed the call is routed to the called party based on the destination number entered by the calling party (fig. 3-4 col. 5 lines 15-43).

Thus, it would have been obvious to a person of ordinary skill in the art to employ such authorization step as taught by Smyk into Schuster's system to prevent unauthorized access and use of the network resources.

5. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster in view of Chang et al (US Patent 6,700,956 B2).

Regarding to claims 19-22, Schuster discloses all the limitations with respect to claim 12, except for determining whether a voice and data network designator is present in the calling code, wherein the designator is a tone produced by prompting the calling party entering the "#" key on a telephone keypad.

However, Chang discloses an apparatus and method for the caller to select which networks, PSTN or Internet, to establish the call; wherein for internet call the caller is prompt to enter the "#" on the telephone keypad (fig. 5 col. 4 lines 41-58).

Thus, it would have been obvious to a person of ordinary skill in the art to employ such entering of keystroke on the telephone keypad as taught by Chang into Schuster's

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system to provide a simple mechanism to toggle between the PSTN networks and Internet telephony service.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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8/20/07
WING CHAN
SUPERVISORY PATENT EXAMINER